

REMARKS

An Office Action was mailed on January 6, 2003. Claims 1 – 32 are pending in the present application. Claims 1 – 3, 7 – 10, 12, 17, 18, 20, 24, 29 and 30 are amended. No new matter is introduced.

OBJECTION TO SPECIFICATION

The specification is objected to under MPEP § 608.01 for containing embedded hyperlink references. Applicants amend the specification to delete these references and correct other minor informalities, and respectfully request that this objection be withdrawn.

OBJECTION TO CLAIMS

The claims are objected to for certain informalities. Specifically, the claims fail to begin on a separate sheet, and claim 3 lacks a period at the end. Applicants provide a complete listing of claims in the present Response, beginning on a separate sheet and ending apart from other components of the Response. Applicants also amend claim 3 to insert a period at the end, and amend claims 24 and 30 to address other minor informalities. Accordingly, Applicants respectfully request that the objection be withdrawn.

REJECTION UNDER 35 U.S.C. § 112

Claims 3, 7, 8, 10 and 29 are rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as their invention. Specifically, the Examiner suggests that claim 3 is lacking a period at the end, that the term “compilated” in claims 7, 10 and 18 and the term “or other data/telecommunications based communications mediums” in claims 8 and 29 are each

indefinite. Applicants amend claim 3 as indicated above, and amend claims 7, 8, 10, 18 and 29 to address the remaining indefiniteness issues. Accordingly, Applicants respectfully request that the rejection be withdrawn.

REJECTION UNDER 35 U.S.C. § 101

Claim 20 is rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, the Examiner suggests that claim 20 impermissibly includes a human being (“requestor”) within its scope. Applicants amend claim 20 to “requestor criteria” rather than “requestor”, and respectfully request that this rejection be withdrawn

REJECTION UNDER 35 U.S.C. §§ 102, 103

Claims 1 – 19, 21 and 26 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6, 377,932 to DeMarcken. Claims 20, 22 and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over DeMarcken in view of U.S. Patent No. 6,923,679 to Acebo et al. Claims 24, 25, 27, and 29 - 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over DeMarcken in view of the Examiner’s official notice. Applicants amend claims 1 – 3, 9, 12, 17 and 29 to further clarify the nature of their invention, and respectfully traverse these rejections

As claimed in independent claims 1, 9, 12, 17 and 29, Applicants disclose a computerized e-commerce system and method, the system comprising a) two or more product offerings from two or more vendors including one or more of price, time, use, class and availability restrictions and rules, b) computer storage for retaining the two or more offerings, c) means for compiling packages including two or more offerings of at least two distinct product types, compiled based on matching criteria including any of geographic distributions, product type, time considerations, cost, other defined restrictions, and distribution channel limitations, and d) means for determining package costs based on any one of summing offering costs, commissions, discounts

and promotions, wherein the compilation is performed at least partially before an interactive request for packages is received.

DeMarcken discloses an airline travel planning system that is designed to calculate prices of travel products that are combinations of multiple “sub-products” from one or more suppliers within a singular industry based on a single source of “sub-product” price information for each “sub-product” supplier. In practice, this planning system is used to price multiple air passenger flight routings for a requested travel itinerary considering price and schedule offered by multiple carriers over the various segments where their service is relevant to the request. For example, a passenger requests flight information for a roundtrip travel itinerary from Chicago to Dallas on certain travel dates (travel product). The DeMarcken system would price direct roundtrips on American and United, online or single-carrier connections provide by other carriers like Continental through Cleveland and Houston, and any number of inter-line or multi-carrier connections like American connecting to Northwest Airlines over Minneapolis, Memphis or Detroit. The DeMarcken system queries a single source of itinerary and pricing information to get the applicable flight segments (“sub-product”) of each air carrier (supplier), combines these “sub-products” into a number of travel products (Chicago to Dallas to Chicago travel itineraries), and prices each of these unique travel products based on their component “sub-products”.

Thus, unlike Applicants’ claimed invention as claimed in independent claims 1, 9, 12, 17 and 29, the system of DeMarken does not compile packages including offerings having at least two different product types (for example, selected from travel related products including airline seating, hotel rooms, car rentals and auxiliary support items). In addition, for example as claimed in Applicants’ claims 1 and 9, the system of DeMarken does not compile packages in advance of receiving customer inquiries. These features in addition are neither disclosed nor suggested by Acebo.

Accordingly, Applicants respectfully submit that their invention as disclosed in independent claims 1, 9, 12, 17 and 29 is not anticipated or made obvious by the cited references. As dependent claims 2 – 8, 10, 11, 13 – 16, 18 – 28 and 30 – 32 each depend from one of allowable claims 1, 9, 12, 17 and 29, Applicants respectfully submit that dependent claims 2 – 8, 10, 11, 13 – 16, 18 – 28 and 30 – 32 are also allowable for at least this reason.

CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1 – 32, which include independent claims 1, 9, 12 17 and 29, and the claims that depend therefrom, stand in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



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